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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/590,600

09/18/2006

Thomas Vogler

5255-103PUS

8968

27799

7590

12/24/2008

COHEN, PONTANI, LIEBERMAN & PAVANE LLP  
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EXAMINER

JOY, DAVID J

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

12/24/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/590,600	<b>Applicant(s)</b> VOGLER, THOMAS	
	<b>Examiner</b> David J. Joy	<b>Art Unit</b> 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 August 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-17 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/24/2006</u> .  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 9-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The term "sufficient" in Claim 9 is a relative term which renders the claim indefinite. The term "sufficient", as used in the phrase "of a strength sufficient to securely bond" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention, as the relative nature of the terms used leaves the limitation open to a myriad of interpretations.

*Claim Rejections - 35 USC § 102*

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 9-13 and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by the U.S. Patent of Boaz (6,136,427).

6. Boaz teaches an adhesive assembly for a glass panel that comprises a structural component ("glass panel") that is mounted to a base structure ("frame"), the glass panel having both first and second bonding locations, a primary bonding ("fast acting adhesive") that is an adhesive of a sufficient strength to securely bond the glass panel (i.e., "a two-part epoxy") and a secondary bonding that bonds the glass panel to the frame and is a pliable adhesive ("urethane adhesive") (see Abstract; see also Figure 3D; see also Column 2, Line 19 – Column 3, Line 4). Additionally, Boaz teaches that the assembly includes a mounting profile ("housing") that is connected to the structural component and the base structure, as well as a carriage ("forming member") that connects the structural component to the mounting profile (see Figure 3D; see also

Column 3, Lines 16-35). Likewise, Boaz provides that an application adapter ("spacer") is positioned between the carriage and the structural component, and that the application adapter is supported by the carriage (i.e., the forming member maintains the linkage that keeps the spacer part of the assembly), and the adapter provides a surface for the primary bonding (see Figure 3D; see also Column 2, Lines 45-60). Further, Boaz teaches the carriage has a second surface for the secondary adhesive (see Figure 3D; see also Column 2, Line 61- Column 3, Line 4). Finally, Boaz expressly recites that the structural component is a glass panel (see Figure 3D; see also Column 2, Lines 18-26).

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 14, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boaz, in view of the German Patent Publication of Geze GMBH & Co. (DE 197 33 381; hereinafter "Geze"). The teachings of Geze were elucidated through consultation with an official German translator at the Patent Office.

10. Boaz teaches a glass panel assembly having the features and aspects as discussed hereinabove. However, Boaz does not teach or suggest that the assembly can include a roller assembly, or that the secondary bonding areas enclose the primary bonding area. Geze, drawn to a sliding door assembly, teaches that the assembly having a roller mechanism, [14c], that runs along a sliding guide, [27], and that is connected to the base body of the assembly, [2], via a reception portion that is attached to the base body (i.e., the reception is the upper portion of the mechanism, while the vertical shaft of the mechanism comprises the base body (see Figures 31 and 32). Additionally, there is an application adapter ("spacer" [1]) that is attached to the reception portion of the roller mechanism (see Figure 32). Further, Geze clearly depicts that the base body can

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provide a second surface to which the secondary adhesive, [7], is attached (see Figure 36). Specifically concerning the adhesives, Geze shows that the secondary adhesive, [7], comprises two bonding areas, and that these dual bonding areas enclose the primary bonding, which connects the adapter portion of the assembly (and depicted by the lower cross-hatching connecting the adapter, [1], to the pane elements, [3]) (see Figure 36). As both Boaz and Geze are drawn to the same field of invention (namely glass panel assemblies), it would have been obvious to a person having ordinary skill in the art at the time of invention to have constructed an assembly as taught by Boaz and to modify that assembly, if needed, by adding the features taught by Geze, thereby arriving at the present claimed invention.

*Conclusion*

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 6,141,910	11/2000	Kobrehel et al.
US 4,608,779	09/1986	Maeda et al.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David J. Joy whose telephone number is (571) 272-9056.

The examiner can normally be reached on Monday - Friday, 7:00 AM - 3:30 PM EST.

13. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bruce H. Hess can be reached on (571) 272-1525. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

14. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should



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you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/DJJ/

Examiner, Art Unit 1794

12/19/2008

/Bruce H Hess/

Primary Examiner, Art Unit 1794